

State of California
Business, Transportation and Housing Agency
Department of Transportation

PROJECT BUSINESS MATTERS
Request for Waiver – Contract Award
Action Item

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CTC Meeting: January 23-24, 2002

Agenda Item: 2.8e.



ROBERT L. GARCIA
Chief Financial Officer
January 25, 2002

TIME EXTENSION REQUEST – CTC RESOLUTION G-99-25
GUIDELINES FOR ALLOCATING, MONITORING AND AUDITING OF
FUNDS FOR LOCAL ASSISTANCE PROJECTS
PROPOSITION 116 BOND PROGRAM
WAIVER-02-03

CTC ACTION TAKEN:

Request for Contract Award Extension was approved for 19-months until September 30, 2003 contingent upon submission of quarterly reports to the CTC on the status of the ongoing litigation.

ISSUE

Resolution G-99-25, *Guidelines for Allocating, Monitoring and Auditing of Funds for Local Assistance Projects*, adopted by the California Transportation Commission (Commission) on August 18, 1999, stipulates that funds must be expended by the end of the second fiscal year following the fiscal year in which the funds were allocated. The Commission applied these requirements to projects funded by the Proposition 116 Rail Bond Funds.

The Department of Transportation (Department) is requesting a 19-month time extension, to September 30, 2003, for contract award of \$3,000,000 for the construction of 1.7 mile passing track in the City of Encinitas. The design and construction has been delayed due to community controversy, pending a long-range study of the coastal corridor's overall needs. In March 2001, North San Diego County Transit District (NCTD) approved the Amtrak 20-Year Improvement Plan, which includes a study of the Coastal Corridor and confirms the need for this project. In August 2001, the City of Encinitas filed suit in Superior Court of the State of California claiming that NCTD, through its implementation of the Encinitas Passing Track Project, is in violation of the California Environmental Quality Act (CEQA) and the California Coastal Act. NCTD has requested that the Action be heard by Federal Court (S.D. Ca., filed September 26, 2001), and has petitioned the Surface Transportation Board (Verified Petition For Declaratory Order, filed October 11, 2001), to decide the matter on an expedited basis. The Surface Transportation Board has recently agreed to hear the case, the hearing date has not been set. It is unlikely that the construction on the project would commence by February 28, 2002. Therefore NCTD is requesting a 19-month extension for contract award for this Project, which is fully designed and could be put out for construction bidding quickly following the resolution of these matters.

BACKGROUND

The Commission approved \$3,000,000 under Resolution BFP-96-02 from the State Proposition 116 Bond Funds. The proposed project consist of 1.7 mile of passing track from just north of Chesterfield Drive to just south of E Street in the City of Encinitas. The project involves the reinstallation of a passing track siding removed in the early 1970's by Santa Fe. The project would provide 1.7 mile passing track on the east side of the existing main track with track speeds of 70 mph. The passing track would be contained within the existing railroad right-of-way. A new passing track in this area is important for improving the state supported Pacific Surfliner, as well as the Coaster commuter service. The project will increase capacity, improve operational reliability and reduce delays in train waiting time. Therefore, preserving the funds is important to improve transportation in this corridor.

RECOMMENDATION

The Department recommends the Commission approve this time extension request to September 30, 2003.